

**HARVARD PLANNING BOARD  
MEETING MINUTES  
April 24th, 2023  
APPROVED JUNE 26, 2023**

Chair Richard Cabelus called the open meeting to order remotely at 7:00pm, pursuant to Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023, which has suspended the requirement of the Open Meeting Law to have all meetings at publicly accessible locations and allowing all public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

**Members Present:** Richard Cabelus, John McCormack, Stacia Donahue, Doug Thornton, Brian Cook, Ariel Jennings

**Others Present:**

Frank O'Connor (Town Planner), Bruce Ringwall (GPR Engineering), Matt Cote (Beals & Thomas), Louis Russo (Wheeler Realty Trust)

**Discussion Overviews:**

**1. No Public Commentary:**

**2. Prospective MBTA Multi-family zoned district**

Stacia Donahue had previously sent out some mapping and shared visuals of potential parcels. These options have been submitted to check if they are viable:

- *Craftsman village* – Close to the Ayer T-Station and is covers the acre requirement; privately owned
- *Friendly Crossways and Trail Ridge* – Two parcels close to the Littleton T-Station; privately owned
- *Harvard University Observatory* – Undeveloped land (15 existing structures and parcel is owned by Harvard University Fellows which is a private organization.)
- *Town of Harvard Gravel Pit* – Owned by the town of Harvard so it would need to be turned over to private ownership
- *The Elms* – a small parcel, but still potentially viable

**Important notes:**

There is a 52-page bylaw that must be review and edited. Because it is state mandated, there is strict compliance reviews of what the board eventually submits. Larger cities have been told to dedicate at least 1000-hours to the state mandate each year in order to be fully prepared by the cutoff date. Compliance is needed by December of 2025.

**3. Continuation of Special Permit - Ayer Road Village-Special Permit and Site Plan Review Hearing**

Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road:

\*See Page 4 for complete details\*

**4. Continuation of Proposed Bylaw Amendment Hearing – Wheeler Realty Trust and 12 Lancaster County Road LLC, 185-189 Ayer Road, for proposed Overlay District**

\*See Page 5 for complete details\*

**5. Ayer Road: pursue Phases II & III (vision plan & zoning to facilitate vision) RFP with funds from Rural & Small-Town Grant Award**

Frank O'Connor has been updating the language and responding to questions from the board. With the exception of a few clarifications and wordsmithing, Frank and the Planning Board believe the written request is ready to be voted on during the next meeting.

**6. Request from Climate Initiative Committee for Letter of Support for MVP application**

Stacia Donahue shared her screen to show a document stating that the Climate Committee is applying on the Planning Board's behalf. It was noted that having the Planning Board's approval will help the likeliness of the application's approval.

Motion: Stacia Donahue made a motion to approve the amended support letter for the MVP application.

Seconded by Doug Thornton

Voted yes by: Doug Thornton, Ariel Jennings, Brian Cook Stacia Donahue, Richard Cabelus

*Passed unanimously*

**7. Discuss alleged violations at 320 Ayer Road and provide info to Zoning Enforcement Officer**

Frank O'Connor gave a summary of what has occurred on the property:

The owner of the property had rented the parcel to a landscaping party. The landscaping party had then been subletting to a construction company that is allegedly in violation of the permit cleared the natural landscape. The Conservation Commission and officer will be assessing the damage so more can be known in order to remedy the situation.

Comments on the issue:

- Stacia Donahue suggested a vote in order to carry out an investigation/enforcement process.
- John McCormack noted that the permit had expired by the time this violation happened.
- Brian Cook suggested a strong response to punish the violators.
- Doug Thornton mentioned that there had already been multiple warnings issued to the group.
- Frank O'Connor read the bylaw stating that the planning board decides the punishment and the town zoning enforcement officer carries out the fine.
- Doug Thornton wanted to clarify that there is more than one violation: damage to property, working with an expired permit, and subletting the property.

Motion: Brian Cook made the motion to send Jeff Hayes (Town of Harvard Building Commissioner) to investigate and assess the property violations and to have a letter drafted and send to the tenant of the property about the environmental concerns, expired permit, and subletting of lands.

Seconded by Stacia Donahue

Voted yes by: Doug Thornton, Ariel Jennings, Brian Cook Stacia Donahue, Richard Cabelus

*Passed unanimously*

**8. Open Space Residential Development Bylaw Amendment (§125-35)**

John McCormack added the wording: "The OSC-PRD will aid the Town in developing sustainable housing and associated infrastructure in harmony with the Town's Climate Action Plan."

The following sections were added to:

The Submittal Requirements: Site Development Climate Mitigation Plan, Heating and Cooling, Energy Generation Solar Panels, Energy Use and Resource Use Minimization, Parking for EV chargers, Landscaping, Site Infrastructure, Open Space

Design Criteria: “Consistent with the Town of Harvard Climate Action Plan with sufficient Conservation and sustainability in the design of the development”

Development Incentives: Changed from 350% to nine units per acre. (The chart listing the conditions and the incentives was also clarified and updated)

### **Invoices**

Motion: Stacia Donahue made a motion to approve the invoices for Beals + Thomas #3241.02-5 for Professional Services, 203 Ayer Rd. \$2,166.25.

Seconded by Brian Cook

Voted yes by: Doug Thornton, Ariel Jennings, Brian Cook, Stacia Donahue, Richard Cabelus

*Passed unanimously*

### **Adjournment:**

Motion to adjourn by Stacia Donahue at 9:37pm

Seconded by Brian Cook

Voted yes by: Ariel Jennings, Doug Thornton, Brian Cook, Stacia Donahue, Richard Cabelus

## **Harvard Planning Board**

### **Special Permit Minutes**

**April 24<sup>th</sup> 2023: Meeting called to order at 7:33pm**

**Yvonne Chern & Wheeler Realty Trust, 203 Ayer Road, Ayer Road Village**

#### **Continuation of Special Permit - Site Plan Review Hearing**

Bruce Ringwall and Matt Cote gave updates that they had been working with Frank O'Connor to clear up some previous concerns. Cote stated that none of the concerns are deal breakers, but wanted to have the board aware of them. These concerns include: flooring, water and septic, fire department requirements, parking language, storm water/ground water, clarification of architecture language on comment #9.

#### Comments/Questions:

Stacia Donahue questioned if they needed approval from board of health and design board before conditions are written. Also who would be writing the conditions. Matt Cote answered by saying that his group does not typically draft these conditions. Frank O'Connor was asked if he would draft these conditions. O'Connor was confident that he can fulfill this and make it a priority.

Brian Cook suggested that a condition is added that no vertical structure would be built until Board of Health Requirements have been approved but Louis Russo doesn't believe that most of what is being discussed is within the Planning Board's purview.

Bruce Ringwall showed a diagram of the proposed plan and how the septic system would be expanded upon and spread out across the parcel.

Motion: Stacia Donahue made a motion to issue a continuance for May 15<sup>th</sup> 2023 at 8pm

Seconded by Doug Thornton

Voted yes by: Doug Thornton, Ariel Jennings, Brian Cook, Stacia Donahue, Richard Cabelus

*Passed unanimously*

**Harvard Planning Board**

**Special Permit Minutes**

**April 24<sup>rd</sup> 2023: Meeting called to order at 8:08pm**

**Wheeler Realty Trust and 12 Lancaster County Road LLC, 185-189 Ayer Road**

**Continuation of Proposed Bylaw Amendment Hearing – Proposed Overlay District**

Louis Russo has requested to withdraw his proposal to resubmit the proposal in a future town meeting.

Motion: Stacia Donahue made a motion to close the hearing

Seconded by Doug Thornton

Voted yes by: Doug Thornton, Ariel Jennings, Brian Cook, Stacia Donahue, Richard Cabelus

*Passed unanimously*